

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN DICKINSON, # HZ6057
United States of America ex rel,

Plaintiff,
v.

COMMONWEALTH OF
PENNSYLVANIA, *et al.*,

Defendants.

)
) Civil Action No. 2: 13-cv-1042
)
) United States Magistrate Judge
) Cynthia Reed Eddy
)
)
)
)

ORDER

AND NOW, this 19th day of August, 2013, the Court finding that:

Plaintiff submitted a Motion to Proceed In Forma Pauperis (ECF No. 1), along with a civil rights complaint on July 19, 2013. The Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, 110 Stat. 1321 (“PLRA”), which amended 28 U.S.C. § 1915, established certain financial requirements for prisoners who are attempting to bring a civil action or file an appeal in forma pauperis. When submitting a Motion to Proceed In Forma Pauperis, the Plaintiff is required to submit “an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1). In addition to the aforementioned affidavit, Plaintiff is further required to “submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.”

By Memorandum and Order filed July 20, 2013 (ECF No. 2), the Motion for Leave to Proceed In Forma Pauperis was denied and the case was closed because Plaintiff had failed to

submit both the Affidavit and a certified copy of his trust fund account statement. Plaintiff was advised that he could reopen the case by (i) tendering to the “Clerk, U.S. District Court,” a statutory filing fee in the amount of \$350.00, plus an administrative filing fee in the amount of \$50.00, for a total of \$400.00 or (ii) submitting another motion to proceed in forma pauperis along with the required affidavit and a certified copy of the inmate account statement for the six (6) months preceding the filing of the complaint. Additionally, Plaintiff was also advised that he must submit an executed Authorization form authorizing the custodian of his inmate account to withdraw funds from his account to pay the Clerk, United States District Court for the Western District of Pennsylvania.

On August 16, 2013, Plaintiff filed an executed Withdrawal of Action indicating his desire to withdraw his Complaint. (ECF No. 5).

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff’s Motion to Withdraw his Complaint is **GRANTED** and the Clerk of Court is directed to close this case.

/s Cynthia Reed Eddy
Cynthia Reed Eddy
United States Magistrate Judge

cc: JOHN DICKINSON
HZ6057
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